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Constitutional amendments

HJ 3 Constitutional amendment; Transportation Trust Fund.

Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. This resolution is similar or identical to HJR 18, HJR 24, HJR 58, HJR 80, SJR 49, SJR 78, SJR 83 and SJR 180.

HJ 18 Constitutional amendment; Transportation Trust Fund.

Special funds for transportation purposes. This resolution is similar to HJR 3 (and others).

HJ 24 Constitutional amendment; Transportation Trust Fund.

Special funds for highway and transportation purposes. This resolution is similar to HJR 3 (and others).

HJ 34 Constitutional amendment; excludes privately owned motor vehicles from property taxation (1st ref).

Exempts from property taxes privately owned motor vehicles used for non-business purposes.

HJ 46 Constitutional amendment; assessments of real property (first reference).

Provides that the General Assembly may define and classify real estate devoted to water-dependent use and may by general law authorize any locality to allow deferral of, or relief from, portions of taxes otherwise payable on such real estate if it were not so classified. Currently, the General Assembly is afforded such power with respect to real estate devoted to agricultural, horticultural, forest, or open-space uses.

HJ 56 Constitutional amendment; assessments of real property and tax rates (first reference).

Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

HJ 57 Constitutional amendment; exemption from real & personal property taxes for disabled vets (1st ref)

Provides an exemption from real and personal property taxes for totally disabled veterans.

HJ 58 Constitutional amendment; Transportation Trust Fund.

Special funds for highway and transportation purposes. This resolution is similar or identical to HJR 3 (and others).

HJ 59 Constitutional amendment; limit on appropriations (first reference).

Limits total appropriations in any fiscal year to the preceding year's total appropriations plus the greater of (i) five percent or (ii) a percentage increase equal to the rate of inflation plus the rate of population increase. However, additional appropriations may be made (a) for tax relief, (b) for deposits to the Revenue Stabilization Fund, or (c) nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof.

HJ 62 Constitutional amendment; exercise of eminent domain powers (first reference).

Provides that the taking of private property by eminent domain for the primary purpose of economic development does not constitute a permissible public use. The proposed amendment makes it a judicial question whether private property is being condemned for a permissible public use. Identical to SJ 121.

HJ 68 Constitutional amendment; exempts certain property from taxation (first reference).

Authorizes the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation and owned and occupied by the same individuals as their home.

HJ 80 Constitutional amendment; Transportation Trust Fund (first reference).

Special funds for transportation purposes. This resolution is similar to HJR 3 (and others).

HJ 126 Constitutional amendment; exercise of eminent domain powers (first reference).

Provides that the taking of private property by eminent domain for the primary purpose of tax revenue enhancement does not constitute a permissible public use. This is similar to HJR 68.

HJ 135 Constitutional amendment; localities to exempt from taxation percentage of value of prop. (1st ref).

Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20 % of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied. This is identical to SJR 79.

HJ 138 Constitutional amendment; Transportation Trust Fund.

Special funds for highway and transportation purposes. This is similar to HJR 3 (and others).

HJ 182 Constitutional amendment (first resolution); Transportation Trust Fund.

Transportation Trust Fund. This is similar to HJR 3 (and others).

HJ 238 Constitutional amendment; Transportation Trust Fund.

Special funds for transportation purposes. This is similar to HJR 3 (and others).

SJ 49 Constitutional amendment; Transportation Trust Fund (first reference).

Funds for transportation purposes. This is similar or identical to the amendment proposed by HJR 3 and others.

SJ 58 Constitutional amendment; Transportation Funds (first reference).

Special funds for transportation purposes. This is similar to HJR 3 (and others).

SJ 78 Constitutional amendment; Transportation Trust Funds, (first reference).

Special funds for highway and transportation purposes. This is similar to HJR 3 (and others).

SJ 79 Constitutional amendment; localities to exempt from taxation percentage of value of prop. (1st ref).

See summary for HJR 135, which is identical.

SJ 81 Constitutional amendment; exempts certain owner-occupied residences from taxation (1st ref).

Directs the General Assembly to enact legislation that will exempt from property taxes a part of the value of owner-occupied residences.

SJ 83 Constitutional amendment; Transportation Trust Fund (first reference).

The Transportation Trust Fund. This is similar to HJR 3 (and others).

SJ 89 Constitutional amendment; assessments of real property and tax rates (first reference).

Provide that real property will be assessed at fair market value at the time of purchase plus the fair market value of improvements to the property at the time of the assessment.

SJ 104 Constitutional amendment; certain armed forces exempt from property taxation.

Directs the General Assembly to enact legislation that will permit localities to exempt or partially exempt from property taxes motor vehicles owned or leased by any member of the armed forces serving in an area of active military conflict.

SJ 121 Constitutional amendment; exercise of eminent domain powers (first reference).

See summary for HJ 62, which is identical.

SJ 139 Constitutional amendment (first resolution); exercise of eminent domain powers.

Removes the General Assembly's power to define the "public uses" for which property may be condemned. The amendment provides that the term "public uses" shall mean only the possession, occupation, and enjoyment of land by the general public or by public agencies, or the use of land for the creation or functioning of public utilities. Moreover, public benefits or potential public benefits, including economic or private development, or an increase in the tax base, tax revenues, employment, or general economic health, do not constitute a public use. Furthermore, the proposed amendment makes it a

judicial question whether private property is being condemned for a permissible public use.

SJ 180 Constitutional amendment; Transportation Trust Funds.

Special funds for transportation purposes. This is similar to HJR 3 (and others).

Economic development

HB 908 Enterprise zones; real property investment grants.

Amends § 59.1-548 to change to 20% from 30% the amount of floor space in a mixed-use building that must be devoted to commercial, office, or industrial use in an enterprise zone. Similar to SB 178.

HB 931 Tourism Financing Development Authority; created.

Adds §§ 15.2-5516 through 15.2-5523 to allow localities to create a Tourism Financing Development Authority. The authority shall have the power to issue bonds and establish a revolving loan fund or loan guarantee program to help carry out its powers and promote establishment of tourism infrastructure. Certain transient occupancy taxes may also be used for purposes of the authority.

HB 1174 Community Housing Tax Credit; replaces current low-income housing tax credit.

Amends §§ 36-55.63, 36-137, and 36-139 and adds § 58.1-439.12:02 to establish a tax credit that would replace the current low-income housing tax credit. Any developer or investor who builds or substantially rehabilitates a multifamily housing project that qualifies for the federal low-income housing tax credit would be eligible for a tax credit equal to 50% of the cost to acquire the land for the multifamily housing project. However, the credit would not exceed an amount equal to \$5,000 multiplied by the number of low-income housing units placed in service as a result of the project. The developer or investor would not be able to claim more than \$500,000 in tax credit in any taxable year. The credit would have a five-year carryover period. Any unused credit could be transferred to another taxpayer for use on a Virginia income tax return. The Board of Housing and Community Development would be required to promulgate guidelines for the credit.

SB 177 Enterprise zone job creation grants; deletion of terms from definition of grant eligible position.

Amends § 59.1-547 to include retail, local service, and restaurant establishments in the definition of "grant eligible position."

SB 178 Enterprise zones; real property investment grants.

Amends § 59.1-548 to change from 30% to 20% the amount of floor space in a mixed-use building that must be devoted to commercial, office, or industrial use in an enterprise zone. The provisions of the bill would apply to properties placed in service on or after July 1, 2006. Similar to HB 908.

Environmental quality

HB 1496 Nontidal wetlands permits; eliminates requirement to obtain permits from state & federal government.

Amends § 62.1-44.15:5 to eliminate the requirements of having to obtain permits from both the state and federal governments for impacts to nontidal wetlands. The person would only have to obtain either the State Programmatic General Permit or a federal permit depending on the type of project.

SB 102 Waste paper products; excluded definition of combustible fibers in Fire Prevention Code.

A bill to require the Board of Housing and Community Development to promulgate regulations to exclude waste paper products from the definition of "combustible fibers."

SB 243 Vehicle registration fees; additional fee to support Land Conservation Fund.

Amends § 46.2-694 to provide that, on and after January 1, 2008, an additional fee of \$1 per year will be imposed on motor vehicle registrations, with the proceeds to be used to support the Virginia Land Conservation Fund.

SB 413 Recordation tax; collection to be transferred to Water Quality Improvement Fund.

Amends §§ 2.2-1514, 10.1-2128, and 10.1-2133 and adds § 58.1-818 to provide that \$100 million of recordation taxes collected each year shall be transferred to the Virginia Water Quality Improvement Fund. The Comptroller shall credit the

\$100 million to the Fund after allocations have been made for the \$40 million deposit to the U.S. Route 58 Corridor Development Fund and the \$40 million distribution to counties and cities, as currently required under law.

SB 626 Taxes and fees for the Virginia Water Quality Improvement Fund.

Amends §§ 2.2-1514, 10.1-2128, 10.1-2129, and 10.1-2133 and adds §§ in Title 58.1 to establish a \$1 per day lodging fee on the sale of hotel, motel, and similar rooms and provides that such revenues plus \$40 million annually in recordation tax revenues shall be deposited into the Virginia Water Quality Improvement Fund for funding of water quality.

Finance, fees & taxation

HB 67 Recordation tax; additional distribution to localities.

Amends § 58.1-816 to provide that 50% of the amount of state recordation taxes shall be apportioned and distributed annually to each county or city, that has a Purchase of Development Rights program in effect, or has filed a statement of intent with the Virginia Department of Agriculture and Consumer Services that it will create such a program within three years or less from the date of such filing.

HB 92 Housing Trust Fund; name change, deposit of recordation tax revenues into Fund.

Amends and adds §§ in Title 36 and amends §§ 46.2-749.129, and 58.1-344.3 to change the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for 50 percent the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) that are in excess of the official estimates in the general appropriation act to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

HB 155 Residential property; permits localities to tax at a lower rate.

Adds 58.1-3221.2 to permit localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes.

HB 306 Income tax, state; dedicates portion of income tax to localities.

Amends §§ 30-133, 46.2-623; amends, adds and repeals §§ in Title 58.1; and repeals § 15.2-1636.20 to repeal the car tax reimbursement program and replaces it by dedicating 17.5% of the state individual income tax collections to localities. The bill is effective January 1, 2009, but only if a constitutional amendment is ratified in November 2008, exempting from taxation all motor vehicles used for non-business purposes.

HB 485 Recordation tax; reduces rates to levels prior to increase imposed.

Amends §§ in Title 58.1 to reduce the recordation tax rates to the levels prior to the increase imposed by Chapter 3 of the Acts of Assembly of 2004, Special Session I.

HB 529 Food and beverage tax; certain referendum cannot be held more than once in 3 yrs. in same county.

Amends § 58.1-3833 to prohibit a referendum on the local food and beverage tax from being held more than once every three years in the same county.

HB 836 Food and beverage tax; referendum required in Virginia Beach.

Amends § 58.1-3840 to restrict the imposition of any new meals tax or tax rate increase in Virginia Beach, without approval by referendum.

HB 954 Political subdivisions; Auditor of Public Accounts to examine accounts, etc. when deems appropriate.

Amends § 30-140 to provide that authorities, commissions, districts, or other political subdivisions, the members of whose governing body are not elected by popular vote, and any legal entity created by those bodies shall be subject to periodic external reviews in accordance with the provisions of the Legislative Program Review and Evaluation Act. The bill also authorizes the Auditor of Public Accounts or his legal representatives to examine the accounts and books of

these entities at the request of the Joint Legislative Audit and Review Commission.

HB 1328 Real estate; assessment of property devoted to water-dependent use.

Amends §§ in Title 58.1 to establish and define, a new category of property eligible for land use taxation – real estate devoted to water-dependent use. The provisions of this act would become effective following the passage of a constitutional amendment authorizing such provisions.

HB 1369 Local retirement systems; prohibits allowing any employee to earn more than 1 yr. of service credit.

Adds § 51.1-801.01 to prohibit any local retirement system that is not under the Virginia Retirement System to allow any employee to earn more than one year of service credit for all service rendered in any period of 12 consecutive months. All retirement plans administered by the Virginia Retirement System are under the same prohibition under current law.

HB 1387 Line of Duty Disability Fund; created.

Amends §§ 9.1-401 and 15.2-1716 and adds § 9.1-401.1 to create the Line of Duty Disability Fund and funds it by imposing an additional \$50 cost for certain traffic violations. The Fund is to be used to pay the costs of continued health benefits coverage provided to employees and their families under the Line of Duty Act (the Act). The bill also provides that any local employee who meets the definition of a deceased or disabled person under the Act who was disabled on or after January 1, 1972, not otherwise already receiving the continued health insurance coverage benefit under this section, shall be entitled to the continued health insurance coverage benefit beginning July 1, 2006.

HB 1420 Compensation Board; considerations for fixing salaries and staffing levels for certain sheriffs.

Adds § 15.2-1636.8:1 to require the Compensation Board to include in its allocation formula the effect of additional enforcement and safety needs of localities that (i) have bodies of water of 20,000 acres or more located wholly or partially within their jurisdiction and (ii) provide boating enforcement pursuant to a cooperative enforcement agreement with the Department of Game and Inland Fisheries.

HB 1549 Personal property tax relief; reimbursement payments to localities.

Amends § 58.1-3524 to require that tangible personal property tax relief reimbursement payments to localities be made within 15 days of each locality's billing date (in effect on January 1, 1998).

HB 1595 BPOL taxes; repeals those that are local.

Repeals §§ 58.1-3700 through 58.1-3735 to repeal local BPOL license taxes.

HB 1599 Cigarette tax; localities evidence of payment.

Amends § 58.1-3830 to require any locality that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment to enter into an arrangement with the Department of Taxation to allow tobacco wholesalers to use a dual die or stamp to evidence payment of local and state taxes. Under current law entering into such an arrangement is permitted but not required.

SB 45 Real property taxes; Virginia Port Authority to determine service charges in lieu of.

Amends § 58.1-3403 to clarify the basis for determining service charges in lieu of real property taxes for real property owned by the Virginia Port Authority and its instrumentalities.

SB 277 Housing Partnership Trust Fund; name change, deposit of recordation tax revenues into Fund.

Amends and adds §§ in Titles 36 and 58.1 and amends § 46.2-749.129 to change the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

SB 600 Alcoholic beverage; increases tax thereof.

Amends §§ 4.1-234 and 4.1-235 to increase the tax on alcoholic beverages by 3% with the revenues to be used for the operational support of volunteer rescue squads and fire-fighting organizations.

General government

HB 279 Urban Affairs, Secretary of; position created.

Amends and adds §§ in Title 2.2, which establishes the Secretary of Urban Affairs. The Secretary shall be responsible to the Governor for the Department of Housing and Community Development and the Virginia Housing Development Authority.

HB 501 Health insurance; employees of local governments to have same coverage as state employees.

Amends § 2.2-1204 to provide that employees of local governments, local officers, sheriff's deputies, teachers, and retirees, and the dependents of such employees, officers, sheriff's deputies, teachers, and retirees may participate, with the approval of the local government, in the plan established pursuant to § 2.2-2818 to provide health and related insurance coverage for state employees. The local government shall be responsible for whatever portion of the cost of such insurance is not paid by the employee. The Commonwealth shall not be obligated to pay all or any portion of the cost thereof.

HB 747 Parasail operators; localities by ordinance to regulate.

Adds § 15.2-912.4 to allow localities to regulate parasail operators. Such ordinance shall be consistent with the operating standards and guidelines of the Professional Association of Parasail Operators.

HB 750 Public Procurement Act; makes amount of bond for transportation-related projects contract amount.

Amends § 2.2-4337 to make the amount of the performance bond for transportation-related projects the contract amount. Currently for transportation-related projects, the amount of the bond is within the discretion of the public body.

HB 861 Martinsville, City of; requires voter approval before city can revert to town status.

A bill to require voter approval before the city can revert to town status.

HB 936 Architects, Professional Engineers, Land Surveyors, and Landscape Architects; definitions.

Amends § 54.1-400 to add definitions for the terms "private entity," "public entity," and "utility."

HB 1048 Illegal immigrants; document verification for employment, penalty.

Amends § 40.1-11.1 to require employers to document verification for employment and if illegal immigrants are hired, the employer is subject to a class 1 misdemeanor and up to a \$10,000 fine.

HB 1051 Employment service centers may be publicly funded if the provider meets conditions.

Adds § 40.1-11.2 to prohibit public funding of employment services unless the provider of the services verifies that the persons receiving services are legally eligible for employment in the United States. The service providers are required to maintain a database that identifies each applicant for employment services and contains confirmation of the applicant's legal eligibility for employment in the United States. The measure is subject to enforcement by the Commissioner of Labor and Industry.

HB 1200 Population brackets; replaces other descriptions found in Code of Virginia with locality names.

Amends §§ in Title 4.1, 15.2, 16.1, 21, 22.1, 29.1, 33.1, 46.2, 58.1, 59.1 and §§ 10.1-1408.5, 17.1-273, 18.2-287.4, 19.2-250, 27-23.1, 44-146.40, 56-15, 56-265.1 to replace population brackets and other descriptions found in the Code of Virginia with locality names.

HB 1243 Electronic voting equipment; voter verified ballots.

Amends and adds §§ in Title 24.2 to require the State Board of Elections to design a pilot program to test electronic voting equipment and paper record requirements and incorporate audits of voting equipment.

HB 1314 Public Procurement Act; prohibited contracts, required contract provisions.

Adds § 2.2-4311.1 to provide that no public body shall enter into any contract for goods, services, or construction with any potential bidder or offeror that employs in any aspect of such person's business, individuals other than citizens of the United States, legal resident aliens, or individuals with a valid visa.

HB 1497 City of Martinsville; city reversion.

A bill to require approval from the Henry County voters before the city can revert to town status.

SB 9 Health insurance; local government employees' participation in state employee health plan.

Amends § 2.2-1204 to provide employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees, may participate, with the approval of the local government, in the state employee health plan established pursuant to § 2.2-2818. The local government shall be responsible for whatever portion of the cost of such insurance that is not paid by the employee, except any portion that the General Assembly elects to pay.

SB 122 Local electoral boards and general registrars; provides civil service status to the staffs thereof.

Amends and repeals §§ in Title 24.2 to provide civil service status for the staffs of electoral boards and general registrars and revises various provisions to recognize the status of employees of the boards and general registrars.

SB 272 Electronic voting equipment; State Board of Elections to design pilot program.

Adds § 24.2-631.1 to require the State Board of Elections to design a pilot program to test electronic voting equipment and voter-verified records of votes and to provide for audits of voting equipment. As passed, the bill requires the Board to consult technical experts in the design of the program and makes implementation contingent on funds being appropriated for the program.

SB 377 Health insurance; benefits for reservists called to active duty.

Amends §§ 44-93.1 and 44-93.5 to require the Commonwealth and political subdivisions of the Commonwealth to continue to provide health

insurance benefits to any employee who is a reservist or member of the National Guard and is called to active duty, as well as to any dependents covered under the employee's health insurance plan prior to the employee's being called to duty. In addition, if such employee is killed while on active duty, the employee's dependents shall be allowed to continue the health insurance benefits for a period of 12 months after the employee's death.

SB 383 Posting of information on Internet; repeals sunset.

Amends §§ 2.2-3808.2 and 17.1-279 to repeal the sunset on the restrictions set out for personal information posted on a court website and broadens the restrictions to apply to records within a secure remote access system established for land records. Such restrictions include prohibiting the posting of any document that contains (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child. The bill also repeals the stated intent of the General Assembly that all clerks provide secure remote access to land records on or before July 1, 2006.

SB 424 Electronic voting equipment; pertaining to procedures and requirements.

Amends and adds §§ in Title 24.2 to require (i) that electronic pollbooks provide a contemporaneous and continuous paper printout of the voters' names and identifying information as their names are recorded and that the local electoral board conduct a postelection audit of the electronic pollbooks; (ii) that direct recording electronic devices be equipped to produce a paper record of each vote that can be verified by the voter and used in recounts and that audits be conducted of a percentage of the equipment; and (iii) that the source codes for software used in voting equipment be placed in escrow with the State Board of Elections prior to certification of the equipment for use in Virginia and that the source codes be examined by technical experts. The bill also prohibits any form of wireless electronic communication capability on any direct recorded electronic voting machine, optical ballot tabulator, or other voting or counting device and requires that a percentage of paper ballots be audited during recounts.

SB 696 Reversion of certain land; Governor to convey interest thereof to locality in which located.

Amends §§ 1-405 and 1-406 to authorize the Governor to convey the reversionary interest in certain land (military bases slated for closure) to the locality in which the land is located.

SB 697 Law-Enforcement Officers Procedural Guarantee Act; changes as to process and procedures.

Amends and adds §§ in Title 9.1 to make several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

Human services & education

HB 129 Public health; Board of Health may declare area hazardous thereto and require sewer services.

Amends § 32.1-13 to allow the Board to declare an area a hazard to the public health and require that sewer service be offered if existing sewer service is available within one-half mile of the affected area and sufficient capacity exists.

HB 223 College Partnership Laboratory Schools; created.

Amends and adds §§ in Title 22.1 to establish college partnership laboratory schools for the purpose of stimulating the development of innovative public education programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools are created by a contract between the school and the Board of Education and operate much like public charter schools.

HB 377 School boards; Board of Education to replace members thereof for neglect of duty.

Adds § 22.1-57.6 to require the Board of Education to replace any school board, whether elected or appointed, for neglect of duty in any locality in which all elementary and secondary public schools fail to meet the requirements of the Standards of Accreditation for four consecutive years.

HB 384 Military school age persons; those in geographical boundaries of schools not to be charged tuition.

Amends § 22.1-5 to provide that any person of school age who resides on a military or naval reservation situated in the geographical boundaries of more than one school division shall be eligible to attend the public schools of any such school division and shall not be denied admission or charged tuition.

HB 1538 Child day care facilities; exemptions from licensure.

Amends § 63.2-1715 to limit exemption from licensure for "come and go" programs currently exempt. The bill provides that the exemption only applies where the program does not (i) provide care for a child under the age of eight, (ii) provide care for a child who resides more than one half-mile from the program, or (iii) initiate, arrange, or participate in the transportation of a child. The bill also requires that, if the program allows a parent to designate individuals who are not authorized to pick up a child, the parent must provide appropriate legal documentation in support of this request.

SB 18 Mental health; mandatory outpatient treatment program in certain jurisdictions.

Amends and adds §§ in Title 37.2 to establish a program of mandatory outpatient treatment in those jurisdictions served by a community services board that the Commissioner designates as having adequate and appropriate resources for the provision of mandatory outpatient treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for persuasion and evaluation by a treatment provider only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a three-hour period, including transportation time. The bill limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

SB 205 Early childhood education; school divisions to provide programs for four and five-year-olds.

Amends §§ 22.1-199.1 and 22.1-253.13:1 to require, on and after July 1, 2010, all school divisions to

provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. The Board of Education is required to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. An enactment clause provides that the implementation and funding of the required public school early childhood education programs will be as set forth in the appropriation act. The grants for the at-risk programs may continue to be funded in public schools or other local agencies; however, the Standards of Quality funding of early childhood education will only be provided to public schools.

SB 241 Individuals with Disabilities Education Act; burden of persuasion on school div. in adm. hearing.

Amends § 22.1-214 to place the burden of persuasion on the school division in an administrative hearing concerning the individualized education program of a child with a disability.

SB 263 Triennial census or statistical survey; school divisions option of choosing.

Amends §§ 22.1-281 through 22.1-286 to provide school divisions the option of choosing to conduct a statistical survey rather than the traditional census every three years. The statistical survey or census may be conducted by agents or contractors appointed by each school board on the recommendation of the division superintendent or pursuant to a contract for a statistical survey.

SB 545 Scholarship for Disabled Students Program; created.

Adds §§ 22.1-335.1 through 22.1-335.8 to establish a scholarship program on behalf of disabled students in the Commonwealth to provide scholarships to a private school of choice for students with disabilities for whom an individual education plan has been written. The student's parent also has the option to enroll the student in another public school in the division, or in another public school in an adjacent division. Only nonsectarian private schools in Virginia holding a license to operate as a school for students with disabilities may participate in the Scholarship Program. The bill also requires the Board of Education to issue guidelines to aid local school

divisions and private schools in the implementation of the Program.

SB 710 K-14 educational partnerships; created.

Amends §§ in Titles 22.1 and 23 to require each local school board to establish a regional K-14 educational partnership to encourage and facilitate dual enrollments.

Land use, zoning & housing

HB 183 Condemnation; offer to repurchase.

Amends § 25.1-108 to provide that if a condemnor has acquired a fee simple interest in property by exercise of its power of eminent domain and subsequently fails to use the property for the declared public use for which it was condemned within three years of being vested with the title to such property, the condemnor shall offer, within 30 days following such determination, to sell such property to the former owner. The offer to sell shall be made by the condemnor at the price paid by the condemnor to the former owner plus interest at the annual rate of six percent; provided that the condemnor may increase the price by the fair market value of the condemnor's improvements, determined at the time the offer to sell is made. If a condemnor has acquired a fee simple interest in property by exercise of its power of eminent domain and subsequently fails to use the property for the declared public use for which it was condemned within 15 years of being vested with the title to such property, the condemnor shall offer, within 30 days following such determination, to sell such property to the former owner. The offer to sell shall be made by the condemnor at the fair market value of the property and improvements at the time of the offer.

HB 184 Spot blight abatement; condemnation.

Amends § 36-49.1:1 to provide that any property acquired by eminent domain pursuant to spot blight abatement provisions shall not be rezoned by a locality to a more intensive use than that which existed at the time of the condemnation.

HB 307 Zoning ordinance; raises maximum misdemeanor penalty for violation thereof.

Amends § 15.2-2286 to raise the maximum misdemeanor penalty for a zoning violation from \$1,000 to \$2,000. The misdemeanor maximum penalty for failure to remove or abate a zoning violation within the time period established by the

court also increases from \$1,000 to \$2,000. Each 10-day period during which a zoning violation continues after the conviction or court-ordered abatement period has ended shall constitute a separate offense punishable by a fine of not less than \$100 nor more than \$2,500.

HB 393 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.

Amends § 55-79.94 to give a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation for the purpose of leasing that unit back to the tenant and keeping the unit as affordable housing.

HB 923 Condemned property; compensation for property owners.

Amends § 25.1-101 to include business losses and highway access in the definition of compensation that a property owner is entitled to should his property be condemned.

HB 1225 Comprehensive plan; localities to incorporate specified smart growth policies.

Adds § 15.2-2223.1 to require localities to incorporate specified smart growth policies into their comprehensive plans. State funding is tied to such policies.

HB 1245 Telephone and telegraph line installation; restoring condition of surface of private property.

Amends § 56-467 and adds § 56-467.1 to require a telephone or telegraph company that opens up or disturbs the surface of private property in erecting, repairing, laying or installing poles, wires, conduits, or cables to restore it as nearly as practicable to the condition that existed prior to its disturbance. The measure also gives the owner of damaged private property the right to recover the cost of restoring and maintaining the property, with interest, costs, and reasonable attorney fees, if the company fails to do so. Localities and the Commonwealth Transportation Board currently have a similar right to recover the costs of restoring and maintaining their properties.

HB 1254 Outdoor advertising structures; adjustment or relocation thereof.

Adds § 33.1-95.2 to provide for relocation, height and/or angle changes of certain outdoor advertising

structures in lieu of payment of just compensation in certain condemnation actions. SB 4 is identical.

HB 1438 Zoning ordinances; provisions on occupancy of residential dwelling unit, penalty.

Amends § 15.2-2286 to authorize a zoning ordinance to provide that any violation of limitations on occupancy of a residential dwelling unit shall be a Class 1 misdemeanor punishable by a fine of not less than \$10 nor more than \$2,500 and/or confinement in jail for not more than 12 months. The zoning ordinance may additionally provide that each day of such violation shall constitute a separate offense. Furthermore, the zoning ordinance may provide that in the case of a failure to remove or abate a violation of residential occupancy limitations within the time period established by the court, a court may order the violator to be confined in jail for not more than 12 months.

HB 1451 Uniform Statewide Building Code; violations, penalty.

Amends § 36-106 to provide that where the violation is of the Maintenance Code relating to occupancy limitations on dwelling and efficiency units in a locality where the local governing body has taken official action to enforce the Maintenance Code, any owner or other person, firm, or corporation convicted of such a violation may also be punished by confinement in jail for not more than 12 months. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500.

SB 4 Outdoor advertising structures; adjustment or relocation thereof.

See summary for HB 1254, which is an identical bill.

SB 268 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.

Amends § 55-79.94 to provide that tenants residing in a county where the urban county executive form of government is in effect (Fairfax County) shall have the right to transfer their right to purchase their units to the local housing authority or a qualified nonprofit organization actively engaged in producing and preserving affordable housing as determined by such county. The acquisition of such units by the local housing authority or such qualified nonprofit organization shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium and (ii) impede the condominium conversion process. In determining which, if any,

units shall be acquired pursuant to this section, preference shall be given to elderly or disabled tenants.

SB 311 Spot blight abatement; interest on liens.

Amends § 36-49.1:1 to give a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.

SB 594 Fertilizers; regulation thereof.

Adds § 3.1-106.4:1 to prohibit localities from regulating the registration, packaging, labeling, sale, storage, distribution, use, or application of fertilizer.

SB 692 Blight abatement; lien on properties.

Amends § 36-49.1:1 to authorize localities to place a lien on blighted properties repaired or acquired by the locality to recover any accrued unpaid interest on the cost of improvements made by the locality to bring such property in compliance with applicable building codes or the cost of disposing of the property. Currently, localities are authorized to charge simply the costs, but not any accrued unpaid interest thereon, of blight abatement to the property owner.

SB 713 Affordable housing; development for low- and moderate-income persons.

Amends § 15.2-2305 to provide that a locality may, in its zoning ordinance establishing an affordable housing dwelling unit program, exempt nonprofit organizations that develop housing for low- and moderate-income persons from subdivision provisions that impair such organizations' ability to subdivide land. In addition, owners of multifamily dwelling units are required to provide notice to the housing authority having an area of operation in which they are situated of their intent to sell or transfer ownership of such unit(s). Failure to provide the notification will not be the basis for invalidation of any sale, but may subject the terms of the sale to special review by the locality or the attorney for the locality to ensure that such sale has not resulted in a violation of any law by the transferring owner.

SJ 73 Utility distribution lines; SCC to study requiring underground placement in redevelopment areas.

Requests the State Corporation Commission to study the feasibility of requiring the underground placement of utility distribution lines in redevelopment areas, including Conservation Plan Areas, Redevelopment Plan Areas, Revitalization Initiatives Plan Areas, Rehabilitation Districts, and Historic Districts.

Public safety

HB 233 Cellular telephones; prohibits use while driving.

Adds § 46.2-1078.1 to provide that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device unless the device is equipped for hands-free communication and is being used in that manner.

HB 548 Education expenses; requires Dept. of Juv. Justice to pay for any juvenile placed in corrections.

Amends § 66-15 to require the Department of Juvenile Justice to pay the education expenses for any juvenile who is placed in a correctional residential facility and is educated by the local schools of a district other than his original district.

HB 598 Emergency medical services personnel; required to report child abuse or neglect.

Amends §§ 32.1-111.4 and 63.2-1509 to add emergency medical services personnel certified by the Board of Health to the list of those required to report suspected child abuse or neglect.

HB 704 Firearms, discharge of, or hunting; certain local ordinances invalid.

Amends § 15.2-1210 and repeals § 15.2-1209 requiring that no ordinance regulating the discharge of firearms or bows may be more restrictive than an ordinance concerning hunting. Any ordinance adopted after January 1, 1995 concerning the discharge of firearms or hunting that is more restrictive than the provisions of the act is invalid.

HB 1348 Search and Rescue Training and Response Program, and Search and Rescue Advisory Council; created.

Amends §§ 18.2-51.1 and 65.2-101 and adds §§ 44-146.41 through 44-146.46 to create the Virginia Search and Rescue Training and Response Program within the Department of Emergency Management to coordinate search and rescue training and response in the Commonwealth.

HB 1567 Conservators of peace, special; jurisdiction.

Amends § 19.2-13 to allow a special conservator of the peace to operate outside of the jurisdiction of his appointment if the sheriff, chief of police, or corporation that made the application for appointment notifies the new jurisdiction in which the conservator needs to operate and the Department of Criminal Justice Services, via registered mail. The terms and conditions of the conservator's appointment shall apply in the new jurisdiction.

HB 1587 Criminal history record information check.

Amends §§ in Titles 32.1 and 63.2 to require businesses and organizations to conduct national criminal background checks on employees and volunteers providing care to children, the elderly and disabled.

HB 1603 Multiline telephone systems; owner or operator thereof ability to identify location from 9-1-1 call.

Adds §§ in Title 56 to require owners or operators of multiline telephone systems serving residential facilities, hotels and motels, business locations, and educational institutions to ensure that a public safety answering point is able to identify the location from which location a call to 9-1-1 is placed.

SB 347 Motorcycles; emergency lights on those used by law enforcement.

Adds § 46.2-1029.3 to authorize motorcycles used by law enforcement in the course of official duties to be equipped with an emergency headlight with a built-in strobe light, approved by the Federal Department of Transportation, to be used during emergency operations.

SB 466 Clerks, sheriffs, etc.; not to receive payment from treasury for services rendered in certain cases.

Amends § 17.1-266 to provide that clerks, sheriffs and other officers may not receive payment out of the state treasury for services rendered in cases of political subdivisions or municipal corporations of the Commonwealth. This prohibition currently applies to cases of the Commonwealth.

SB 618 Child-friendly visiting rooms; state and local correctional facilities required to provide.

Adds § 53.1-5.2 to require each state and local correctional facility to provide child-friendly visiting rooms that include activities for young children, adequate facilities with private areas for nursing, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, for normal child behavior.

SB 653 Secondhand dealers; pawnbrokers.

Amends and adds §§ in Title 54.1 to add the regulation of secondhand dealers, secondhand shops, and consignment shops to current statutes regulating pawnbrokers. In addition, the bill also authorizes localities to enact an ordinance regulating pawnbrokers or secondhand dealers and to require pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill also (i) requires pawnbrokers to obtain thumbprints of both hands of the person pawning an item and (ii) authorizes fees to be charged for additional services provided.

SB 654 Precious metals dealers thumbprints.

Amends §§ 54.1-4101 and 54.1-4104 to require a precious metals dealer to obtain the thumbprints of both hands of the individual selling the item and to hold the item purchased for a period of 15 days before it may be sold, altered, or disposed of. Currently a dealer is required to hold the item for 10 days.

Transportation

HB 767 Transportation Trust Fund; dedication of certain surplus revenue.

Amends § 33.1-23.03:1 to dedicate to the Transportation Trust Fund 75% of any annual general fund surplus revenues remaining after any required deposits to the Revenue Stabilization Fund and to the Virginia Water Quality Improvement Fund.

HB 841 Local Partnership Programs; payment schedule for reimbursement of funds to locality.

Adds § 33.1-223.2:16 to require the Department of Transportation and localities to agree upon a payment schedule for reimbursement of funds to the locality for moneys expended on projects under any Local Partnership Program.

HB 1116 Increases maximum fine for railroads blocking roads.

Amends § 56-412.1 to increase the maximum fine that may be imposed on railroads for violating prohibitions on blocking streets and roads from \$500 to \$2,500.

HB 1574 Integrated Directional Sign Program; allows localities to opt out.

A bill to allow localities, upon written request to the Commonwealth Transportation Commissioner, to opt out of the Integrated Directional Sign Program.

SB 346 Highways; payments to Town of Broadway for maintenance, construction, or reconstruction thereof.

Amends § 33.1-41.1 to require the Commonwealth Transportation Commissioner, subject to the approval of the Commonwealth Transportation Board, to make payments for maintenance, construction, or reconstruction of highways to the Town of Broadway.

SB 695 Boats; local control over operation.

Adds § 15.2-915.5 to provide that no locality or other political subdivision shall adopt or enforce any ordinance, resolution, or motion governing the operation of any watercraft, boat, or vessel other than those expressly authorized by statute. Any local ordinance, resolution, or motion adopted prior to July 1, 2006, governing the operation of any watercraft, boat, or vessel, other than those expressly authorized by statute, is invalid.